IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3516 OF 2004

Anil Madhukar Zode. ...Petitioner.
Vs.
Pimpri Chinchwad Municipal Corporation & Ors. ...Respondents.
....
Mr. C.K. Bhangoji i/b. Mr. R.K. Mendadkar for the Petitioner.
Mr. N.V. Walawalkar for Respondent No.1.
Mr. C.R. Sonawane, AGP for Respondent Nos.2 and 3.
.....
CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 3, 2006.

P.C. (Per Dr. D.Y. Chandrachud, J.):

The Petitioner was granted a caste certificate of belonging to the Halba Scheduled Tribe and on the basis thereof, he came to be appointed as a Junior Engineer by the First Respondent. The caste claim of the Petitioner was invalidated by the Scrutiny Committee by an order dated 22nd November 1999. The Petitioner filed a petition before the Nagpur Bench of this Court (Writ Petition 3851 of 2000) to challenge the order of the Scrutiny Committee. The Petition was dismissed on 10th July 2001. It has also been stated that a Special Leave Petition filed by the Petitioner, SLP (Civil) 5775 of 2002, was dismissed by the Supreme Court on 6th September 2002. The services of the

Petitioner came to be terminated by the First Respondent on 15th November 2002. The Petitioner claims thereafter, to have obtained a caste certificate of belonging to the category of Special Backward Class upon which he made a representation for reinstatement in service. Since the representation has not evoked a suitable response, the Petitioner has moved these proceedings under Article 226 of the Constitution.

2. By a Government Resolution dated 15th June 1995, certain communities came to be listed as a Special Backward Class. Paragraph 4 of the GR states that the members of those communities which are listed out as comprising the Special Backward Class category and who have already been employed in Government or semi Government service, prior to the date of the resolution should not be removed from service. By a corrigendum thereafter, dated 24th July 1998 the coverage of the earlier GR was extended to persons employed in Statutory Boards, Municipal Councils, Municipal Corporations, Zilla Parishads, Co-operative Banks and Educational Institutions. In a judgment of a Division Bench of this Court in **Sandesh Yashwant Katwate vs. State of Maharashtra,** (Writ Petition 866 of 2003 decided on 20th June

2003), it has been held that the corrigendum does extend the cut off date for protection against termination and that the GR dated 15th June 1995 as well as the corrigendum dated 24th July 1998 would apply only in respect of persons who had entered service prior to 15th June 1995. In the present case, admittedly, the Petitioner was appointed on the basis of his caste certificate on 20th May 1996 which is after the date of the GR dated 15th June 1995. The Petitioner, therefore, is clearly not entitled to protection. That apart, we see no reason why the Petitioner should be granted any relief once the basis on which he has entered service was found to be false and the Petitioner did not belong to the reserved category to which he had claimed to belong while entering upon service. We, therefore, do not find any merit in the petition. The petition shall stand dismissed.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.